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ATTORNEYS FOR APPELLANT KYLE LAWRENCE

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

Kyle Lawrence

Appellant

v.

Frost Bank

Appellee

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Appeal No. 3:19-cv-01843-X

APPELLANT’S MOTION FOR LEAVE TO SUPPLEMENT RECORD

INTRODUCTION

1. Pursuant to Fed. R. Bankr. Proc. 8009(e), Appellant Kyle Lawrence (“**Appellant**” or “**Lawrence**”) respectfully seeks to supplement the appellate record with transcripts from two hearings in this matter, as follows:

- (1) Transcript of the hearing held on April 8, 2019; and
- (2) Transcript of the hearing held on November 5, 2018.

ARGUMENT

Transcript of April 8, 2019 Hearing

2. A transcript of the hearing held on April 8, 2019, although included on Appellant’s Designation of Record on Appeal as item #30, was inadvertently not ordered.

3. The omission was not recognized until the bankruptcy clerk's transmission of the record noting the deficiency.

4. The omission was inadvertent and unintentional. The transcript was immediately ordered on an expedited basis, and it is attached to this Motion as **Exhibit A**.

Transcript of November 5, 2018 Hearing

5. At a hearing held in this matter on November 5, 2018, the Bankruptcy Court dismissed Defendant's counterclaims and striking Defendant's affirmative defenses.

6. Defendant identified these orders as alleged errors of the Bankruptcy Court in his identification of issues on appeal.

7. Defendant mistakenly believed that the orders entered on these matters (Dkts. 40 and 41; identified as items 23 and 24 on Appellant's Designation of Record on Appeal) contained the Court's findings and conclusions. However, upon further investigation, the Court did not include findings and conclusions in the respective orders, but rather only the court's ruling. Defendant therefore seeks whatever findings the Court made at the hearing.

8. For that reason, Appellant respectfully requests that this Court supplement the record on appeal with the transcript from the November 5, 2018, hearing. A draft copy¹ of such transcript is attached hereto as **Exhibit B**.

DATED this 22nd day of October, 2019.

¹ The Court reporter sent Exhibit B as a "draft" and indicated that the final version would follow imminently, but at the time of this filing the final version has not been received.

Respectfully submitted,

THE MITCHELL LAW FIRM, L.P.

/s/ Gregory W. Mitchell

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CERTIFICATE OF CONFERENCE

I hereby certify that on October 22, 2019, I communicated with Mr. M. Chad Berry regarding this Motion and the relief requested. Mr. Berry indicated that Appellee was unopposed to the relief requested.

/s/ Gregory W. Mitchell

Gregory W. Mitchell
Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify that on this **22nd day of October, 2019**, the foregoing was served on all counsel of record in this matter via the Court's ECF system.

/s/ Gregory W. Mitchell

Gregory W. Mitchell
Attorney for Appellant